IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1340 OF 2006.
IN
CRIMINAL APPLEAL NO. 1270 OF 2006

Sou. Malubai Ananda Patil & Ors. ..Applicants.
V/s
The State of Maharashtra ..Respondent.

Mr. S.A. Ingawale, Advocate for the applciants

Ms. S.V. Gajare, APP for the State.

CORAM : J.H. BHATIA, J.

DATE : 17TH JANUARY, 2007.

P.C.

. Heard Mr. Shekhar Ingavale, learned Counsel for the applicant and Miss Shilpa Gajare, learned APP for the State. The applicants, who are husband, mother-in-law, father-in-law and brother-in-law of deceased Reshma, were convicted for the offence punishable under Sections 498A and 306 r/w 34 of Indian Penal Code and were sentenced to undergo R.I.for 3 years and 10 years respectively with fine. They have preferred Criminal Appeal No. 1270/06. The appeal is already admitted. By this application, the applicants seek to be released on bail.

2. It appears that deceased Reshma died due to drowning in the Well, within one year after the marriage. According to the prosecution, she was subjected to cruelty at the hands of husband and other in-laws, as her parents could not satisfy their demands. The learned Counsel for the applicants, points out that immediately, after she went missing, her parents were informed and search was taken, dead body was found in the Well having no parapet wall. On the same day, at about 2.30 p.m. her father had lodged a information at the police station and he had specifically stated that he had no complaint. However, at about 9.30 p.m. mother of the deceased lodged FIR making all the allegations about the cruelty caused by the husband and other in-laws. The applicants were on bail during the trial and there is no allegation of misuse of the bail. In view of these circumstances, I find that it is a fit case, to grant bail pending final hearing and disposal of the appeal.

3. Pending final hearing and disposal of the appeal the applicants be released on bail on same terms and conditions, as before the trial Court subject to their

executing fresh bail bonds and depositing the fine amount.

4. Petition is disposed, as above.

(J.H. BHATIA, J.)